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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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In Re the Application of: Jack C. Whittier, Barbi A. Riggs, Patrick D. Burns and George Seidel

Serial Number: Original: 09/511,959; 09/448,643; PCT/US99/17165

New: \_\_\_\_\_

Filed: Original: 23 February 2000; 24 November 1999; 28 July 1999

New: \_\_\_\_\_

For: New: Integrated Herd Management System Utilizing Isolated  
Populations of X-Chromosome Bearing and Y-Chromosome Bearing  
Spermatozoa

Assignee: Colorado State University through its agent Colorado State  
University Research Foundation

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**POWER OF ATTORNEY**

I, Dr. Mervyn Jacobson, President of XY, Inc., hereby appoint Santangelo Law Offices, P.C., whose mailing address is 125 South Howes, Third Floor, Fort Collins, Colorado 80521, including Luke Santangelo, whose registration number before the United States Patent and Trademark Office is 31,997, Craig R. Miles, whose registration number before the United States Patent and Trademark Office is 45,954, and Chad C. Soliz, whose registration number before the United States Patent and Trademark Office is 47,101, as XY, Inc.'s attorney(s)/agent(s) to prosecute this application entitled "Integrated Herd Management System Utilizing Isolated Populations of X-Chromosome Bearing and Y-Chromosome Bearing Spermatozoa" and to transact all business in the Patent Office connected therewith.

Dated this 12<sup>th</sup> day of June, 2001.

By: \_\_\_\_\_

Dr. Mervyn Jacobson

09879480-061201

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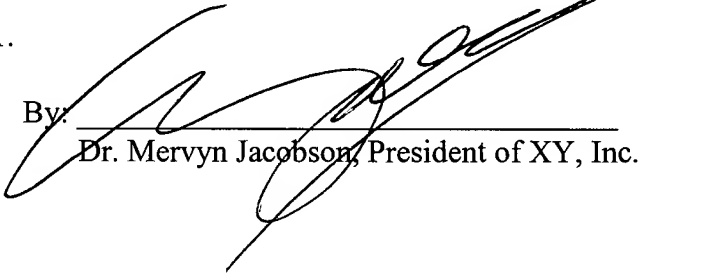
**STATEMENT ESTABLISHING SMALL ENTITY STATUS**  
**(SMALL BUSINESS CONCERN)**

I, Dr. Mervyn Jacobson, President of XY, Inc., pursuant to 37 C.F.R. Section 1.27(c) state that the following facts are true:

1. I am President of XY, Inc. As such I am empowered to act on behalf of the Assignee.
2. As set forth in 13 C.F.R. Section 121.12, XY, Inc. is an entity whose number of employees, including those of its affiliates, does not exceed 500 persons and which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the subject matter of the enclosed Patent Application to another entity that does not qualify under small entity status. XY, Inc. appears to qualify as a small business concern as defined in 37 C.F.R. Section 1.9(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MADE this 12<sup>th</sup> day of June, 2001.

By:   
Dr. Mervyn Jacobson, President of XY, Inc.

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**STATEMENT ESTABLISHING SMALL ENTITY STATUS**  
**37 CFR 1.9(e)--UNIVERSITY OR OTHER INSTITUTION OF HIGHER LEARNING**

I hereby declare that I am an official empowered to act on behalf of the University identified  
below:

Colorado State University  
c/o Colorado State University Research Foundation  
601 South Howes Street, Room 410  
Fort Collins, CO 80523

Type of nonprofit organization: University.

I hereby declare that the nonprofit organization identified above is a University or other  
Institution of Higher Education and therefore qualifies as a nonprofit organization as defined in 37  
CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office  
regarding the invention described in the specification filed herewith with title as listed above.

I hereby declare, to the best of my knowledge, rights under contract or law have been  
conveyed to and remain with the nonprofit organization except for an exclusive license which has  
been granted to XY, Inc.

09879480-061201

I hereby declare that no rights to the invention are held by any concern which would not qualify as a small business concern under 37 CFR 1.9(d).

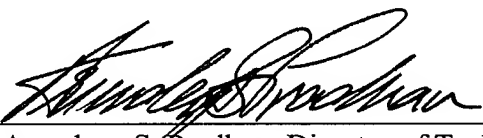
Each person, concern, or organization having any rights in the invention is listed below:

- 1) Colorado State University  
c/o Colorado State University Research Foundation  
601 South Howes Street, Room 410  
Fort Collins, CO 80523
- 2) XY, Inc.  
1108 North Lemay Avenue  
Fort Collins, CO 80524

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Made under OATH this 12<sup>th</sup> day of June, 2001.

By:   
Arundeepr S. Pradhan, Director of Technology Transfer  
Colorado State University Research Foundation